



OPPOSE DISHONEST DEMOCRAT GUN GRABS

In the wake of mass shooting tragedies, Democrats regularly advocate for reactive gun control policies that range from misinformed to dishonest to unconstitutional. These proposals rarely address the underlying causes of gun-related homicides. In an April 2021 address, President Biden called on Congress to pass such misguided legislation, including a ban on so-called “assault weapons” and high-capacity magazines, and to pass two bills expanding background checks.¹

Assault Weapons are Broadly Defined. Bans are Futile and Unconstitutional

- An assault weapon is broadly defined across a patchwork of federal and state laws. The gun industry typically considers firearms with “select fire capabilities” to be assault weapons. In some states, a paintball gun is considered an assault weapon.²
- Despite advocating for a ban on assault weapons, Biden’s Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) nominee, David Chipman, was unable to provide a concrete definition for assault weapons during his Senate confirmation hearing.³
- The Assault Weapons Ban Act of 1994, which expired in 2004, posed as no serious deterrent to criminals with multiple studies finding the law had little effect on decreasing firearm homicides.⁴ Therefore, the law only restricted the rights of those who chose to abide by it.
- California’s 32-year assault weapons ban was overturned in federal district court on June 4, 2021 with the judge declaring the ban unconstitutional.⁵ The 9th Circuit Court of Appeals has temporarily blocked the ruling as the court awaits the outcome of another case.⁶

The AR-15 is not a “Weapon of War”

- AR-15s are a prime target of gun control activists, who often falsely claim an AR-15 is a “weapon of war.”⁷ According to Sen. Jeanne Shaheen (D-NH), “The fact is, the AR-15...that’s a weapon of war...Somebody who is buying that kind of a weapon isn’t buying it for target shooting. They’re not buying it to go out and hunt deer...They’re buying it to do bad things.”⁸
- AR-15s are the most popular civilian rifle in America and are often used for shooting sports and recreation, hunting small game, and personal defense.⁹ Contrary to popular belief, AR-15s are not “weapons of war,” or military-grade weapons,¹⁰ or an assault rifle.¹¹ The AR-15 is a semi-automatic rifle named after its original distributor, the ArmaLite, Inc., rifle model 15. AR-15s and other similar semiautomatic rifles conservatively represent about 4% of 393 million civilian firearms in the U.S., according to available industry estimates.¹²
- U.S. District Judge Roger Benitez of the Southern District of California compared AR-15s to a swiss army knife in his June 2021 ruling, stating, “Like the swiss army knife, the popular AR-15 rifle is a perfect combination of home defense weapon and homeland defense equipment.”¹³
- Handguns, not AR-15s or other rifles, are the most common firearm used in shooting-related deaths. However, none of the Biden Administration’s gun control proposals directly address handguns, as the Supreme Court ruled handguns are protected under the Second Amendment.¹⁴ Vice President Harris reportedly owns a handgun for personal defense.¹⁵

Universal Background Checks are Ineffective

- All firearm transfers between distributors and private citizens, as well as any interstate transfer of a handgun, must include a background check. Any person “engaged in the business” of selling firearms must run a background check through the National Instant Criminal Background Check System (NICS) to sell a firearm to an individual.¹⁶
- Straw purchases are already illegal and constitute a felony under federal law. However, criminals may still use straw-buyers to circumvent any universal background check system.
- Dr. Garen Wintermute, a professor and self-described gun control advocate at University of California, Davis (UC Davis), authored a 2018 study that found background checks did not have an effect on gun-related deaths in Indiana and Tennessee in 2016,¹⁷ consistent with other findings on background checks. A 2019 study by Dr. Wintermute yielded the same conclusion for California in 1991 during the state’s first decade with universal background check laws.¹⁸
- Background checks would not have prevented the Sandy Hook shooting, as the firearms were owned by the shooter’s mother, who would have passed a background check. The shooter’s mother also registered 5 firearms with the state of Connecticut in her home, three of which were stolen by her son.
- Background checks would not have prevented other high-profile mass shootings – such as the 2019 shootings in El Paso, TX, and Dayton, OH– due to the lack of a significant criminal record.¹⁹
- Even if America had stricter background check laws, people often lie on their forms. For example, *Politico* reports Hunter Biden may have lied on his background check form regarding substance abuse in order to purchase a handgun.²⁰

High-Capacity Magazine Bans are Red Herrings

- President Biden has called on Congress to ban high-capacity magazines, which is a term of art that generally refers to a magazine that can hold over 10 rounds of ammunition.²¹ On June 24, 2021, Biden claimed owning high-capacity magazines was unnecessary, “unless you think the deer are wearing Kevlar vests or something.”²²
- The 9th Circuit Court of Appeals overturned California’s ban on high-capacity magazines in 2020, ruling the ban was unconstitutional.²³
- A high-capacity magazine ban is unlikely to prevent mass shootings. A Columbine shooter, for example, used a Hi-Point 995 carbine rifle that used 10-round magazines, however, he had 13 of them. Similarly, this magazine ban would not have affected the Virginia Tech shooter, who used handguns with 17 magazines.²⁴
- In 2013, Sen. Dianne Feinstein (D-CA) claimed “...it’s legal to hunt humans with 15-round, 30-round, even 150-round magazines,” while calling for a ban on high-capacity magazines.²⁵ It is illegal to hunt human beings, regardless of the weapon of choice.

Less than 1% of Firearm Deaths are Mass Shootings

- 60% of gun-related deaths are suicides in an average year;²⁶
- About 30% of firearm deaths are homicides that do not meet the FBI’s definition of an “active shooter” incident, such as domestic and gang violence episodes;
- 1% are unintentional shootings;²⁷ and, finally,
- Less than 1% of the nearly 40,000²⁸ gun-related deaths in 2019²⁹ were caused by mass shootings. UC Davis reports that mass shootings accounted for 0.2% of all total firearm-related deaths in 2019.³⁰

Federalism and civil liberties, including the right to keep and bear arms, are founding principles of the United States. The Republican Policy Committee has released a companion brief, entitled *The Gun Control Glossary*, to further define and provide more background on these issues.

- ¹ [FACT SHEET: Biden-Harris Administration Announces Initial Actions to Address the Gun Violence Public Health Epidemic | The White House](#); H.R. 8, the Bipartisan Background Checks Act of 2021, 117th Congress, has 210 cosponsors at the time of this brief.
- ² [Defining "Assault Weapons" | The Regulatory Review \(theregreview.org\)](#) and [Definition of what's an 'assault weapon' is a very contentious issue \(cnbc.com\)](#).
- ³ [Biden's Nominee to Head the ATF, Who Wants Congress to Ban 'Assault Weapons,' Says He Can't Define Them – Reason.com](#)
- ⁴ [Patterns and prevalence of lethal mass violence - Duwe - 2020 - Criminology & Public Policy - Wiley Online Library](#) and [FactChecking Biden's Claim that Assault Weapons Ban Worked - FactCheck.org](#) and [America's Failed Attempt to Ban Assault Weapons - WSJ](#)
- ⁵ [DECISION \(ca.gov\)](#) and [California assault weapons ban overturned: Judge Roger Benitez likens AR-15 to Swiss Army knife in ruling - The Washington Post](#)
- ⁶ [Appeals Court Blocks Ruling That Overturned California's Assault Weapons Ban - The New York Times \(nytimes.com\)](#)
- ⁷ [Please Stop Calling the AR-15 a 'Weapon of War' | The National Interest](#)
- ⁸ [Jeanne Shaheen shames AR-15 owners: 'They're buying it to do bad things' - Washington Times](#)
- ⁹ An estimated 16 million Americans own semiautomatic rifles, including AR-15s. [Modern Sporting Rifle: Introduction • NSSF](#)
It is illegal in many states – such as Virginia, Illinois, and Colorado – to use the same standard cartridge which the AR-15 fires to hunt large game because the round is deemed “underpowered.” Examples of sporting hunt recreation events include the Service Rifle Competition, “Across the Course” Matches, the Precision Rifle Series, and Multi-Gun matches.
- ¹⁰ <https://texasscorecard.com/commentary/commentary-lies-the-left-tells-about-guns/>
Note on AR-15 Use of High-Velocity Rounds: The standard AR-15 round leaves the end of the muzzle at an average of 3,000 feet per second. This speed is highly variable based a combination of factors, and can vary between 1,000 feet per second and 3,500 feet per second depending on various combinations of the projectile and powder, the barrel length, temperature, air pressure, and other factors. The muzzle velocity of a round is a fact of physics, and not a factor that acts in favor of criminals and those wishing to do ill.
- ¹¹ The gun industry typically considers an “assault weapon” to be a firearm with “select fire capabilities.” [Definition of what's an 'assault weapon' is a very contentious issue \(cnbc.com\)](#) and [Why millions of Americans — including me — own the AR-15 - Vox](#)
- ¹² Calculating U.S. firearms is highly difficult due to lack of data and recordkeeping. The Small Arms Survey estimates there are about 393 million civilian firearms in the U.S. Of that total, gun industry estimates for AR-15s, AK-47s, and other similar semiautomatic rifles, range from about 8 million to 16 million in the U.S. [SAS-Press-release-global-firearms-holdings.pdf \(smallarmssurvey.org\)](#) and [Modern Sporting Rifle: Introduction • NSSF](#) and [Modern Sporting Rifle: America's Rifle • NSSF](#)
- ¹³ [DECISION \(ca.gov\)](#) and [California assault weapons ban overturned: Judge Roger Benitez likens AR-15 to Swiss Army knife in ruling - The Washington Post](#)
- ¹⁴ See *DC v. Heller* and *McDonald v. Chicago*.
- ¹⁵ [Sen. Kamala Harris discusses owning a firearm: 'I was a career prosecutor' | CNN Politics](#) and [Kamala Harris owns a handgun. That's unacceptable for a 2020 Democrat. \(usatoday.com\)](#)
- ¹⁶ Despite these requirements, NICS is missing millions of records in its database.
- ¹⁷ [Repeal of Comprehensive Background Check Policies and Firearm Homicide and Suicide - PubMed \(nih.gov\)](#)
- ¹⁸ [California's comprehensive background check and misdemeanor violence prohibition policies and firearm mortality - ScienceDirect](#)
- ¹⁹ [Experts: We Need Background Checks, Though They Won't Stop Many Mass Shootings | Time](#)
- ²⁰ [Sources: Secret Service inserted itself into case of Hunter Biden's gun - POLITICO](#) and [Hunter Biden Reportedly Violated Federal Law by Lying on Background Check \(yahoo.com\)](#)
- ²¹ [FACT SHEET: Biden-Harris Administration Announces Initial Actions to Address the Gun Violence Public Health Epidemic | The White House](#)
- ²² [Remarks by President Biden and Attorney General Garland on Gun Crime Prevention Strategy | The White House](#)
- ²³ [Federal Court Rules California's Ban on High-Capacity Magazines Violates 2nd Amendment - The New York Times \(nytimes.com\)](#)
- ²⁴ [Gun Control Facts: Why a "High Capacity" Magazine Ban Would Not Prevent Mass Shootings \(mic.com\)](#)
- ²⁵ [Dianne Feinstein: 'It's legal to hunt humans' with high-capacity magazines \[VIDEO\] | The Daily Caller](#)
- ²⁶ [PolitiFact | 62% of U.S. gun deaths are suicides](#)
- ²⁷ [Facts and Figures \(ucdavis.edu\)](#)
- ²⁸ The CDC reported 39,707 gun-related deaths in the U.S. in 2019. [Underlying Cause of Death, 1999-2019 Results Form \(cdc.gov\)](#)
- ²⁹ [Underlying Cause of Death, 1999-2019 Results Form \(cdc.gov\)](#).
- ³⁰ [Facts and Figures \(ucdavis.edu\)](#) and [Mass shootings are rare – firearm suicides are much more common, and kill more Americans | PBS NewsHour](#) and [Active Shooter Incidents in the United States in 2019 — FBI](#)